

To: General Purposes Licensing Committee

Date: 22 October 2018

Report of: Head of Planning, Sustainable Development and Regulatory Services

Title of Report: Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and approval of associated licence fees and charges.

Summary and Recommendations

Purpose of report: To bring Committee's attention the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and seek approval of associated licence fees and charges.

Report Approved by:

Finance: Emma Burson – Approved

Legal: Daniel Smith – Approved

Policy Framework: Vibrant Sustainable Economy

Recommendations:

Committee is recommended to:

- a) Note the coming into effect of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and consequent powers and duties.
- b) Agree the licence fees and charges as set out in Appendix A and recommend them to Council.
- c) Recommend Council delegate animal welfare licensing responsibilities to Head of Planning, Sustainable Development and Regulatory Services

Introduction and Background

1. The purpose of this report is to advise the Committee of the changes to animal licensing legislation contained within the new regulations and the Animal Welfare Act 2006, and to seek agreement to the licence fees and charges that should apply for 2018/19.

2. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on the 1st October 2018. The new legislation outlines the general conditions which each licence holder must meet. These are national conditions which cannot be amended. This legislation amalgamated and replaced a number of pieces of legislation that previously governed the licensing of animals. A summary of the new scheme and its background is contained within the Explanatory Note and Memorandum to the Regulations (Appendix B)
3. The legislation allows licensing authorities to charge a reasonable amount to cover the cost of considering the grant, renewal or variation of a licence, assessing compliance and enforcement against unlicensed operators
4. The fees and charges detailed within this report and found at Appendix A relate solely to the new animal licensing functions of the Business Regulation Team.
5. The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings and regulation.

Financial Implications

6. The Council is responsible for collecting licence fees for these functions. Predicted income from licence fees is included in the Council's budget estimates for 2018/19.

Legal Implications

7. The power to levy fees is contained in Regulation 13 of the Regulations. Licensing is not a revenue raising function and fees and charges should be reasonable and proportionate to the costs of the procedures and formalities of carrying out the function.

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Background papers:

Appendix A: Proposed Fees & Charges for 2018/2019 applicable to the Animal Welfare Licensing function within the Business Regulation Team

Appendix B: Explanatory Note and Memorandum to the Regulations

Version number: 1

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